



09/308,829

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SCHLIEVERT ET AL.	Examiner:	J. HINES
Serial No.:	09/308,829	Group Art Unit:	1645
Filed:	JULY 14, 1999	Docket No.:	600.347USWO
Confirmation No.:	6703	Customer No.:	23552
Title:	MUTANTS OF STREPTOCOCCAL TOXIN C AND METHODS OF USE		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 6-10-04.

By:

Name: Kay Fahland

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Regents of the University of Minnesota, a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at Suite 600 Gateway, 200 Oak St. SE, Minneapolis, MN 55455 represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/308829, filed on July 14, 1999 and entitled MUTANTS OF STREPTOCOCCAL TOXIN C AND METHODS OF USE.

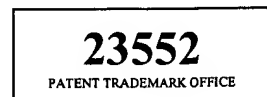
Petitioner, Regents of the University of Minnesota, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified

application, which would extend beyond the expiration date of the full statutory term as shortened by any terminal disclaimer filed prior to the grant of any patent granted from pending second U.S. Patent Application Serial No. 09/336,036, filed on June 18, 1999, and entitled MUTANTS OF STREPTOCOCCAL TOXIN C AND METHODS OF USE ("second application") and hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on the second application, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the present application that would extend to the full statutory term as shortened by any terminal disclaimer filed prior to the patent grant on the second application, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Date: June 10, 2004

Signed: Mark T. Skoog
Name: Mark T. Skoog
Reg. No. 40,178
Title: Attorney of Record





THE STATEMENT BELOW IS FOR OFFICE USE ONLY

In accordance with the decision granting the petition filed on _____, _____, this terminal disclaimer is accepted. The period of patent lapse specified above has been accepted as equivalent to _____ months.

Petitions Examiner